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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,030	05/26/2000	Robert A. Gilman	JANCO 3.0-001	8146

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EXAMINER

DIEP, NHON THANH

ART UNIT PAPER NUMBER

2613

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/579,030

Applicant(s)

GILMAN ET AL.

Examiner

Nhon T Diep

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-5, 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Fan (US 5,926,169)

Fan discloses a remote pointers for interactive television comprising the same kitchen appliance comprising a housing having an interior and a door, the door being movable between an open position at which the interior can be accessed and a closed position; appliance controls; a kitchen appliance apparatus for effecting the environment of the interior, as controlled by the appliance controls; and a display built within the door for display electronic image on the door (fig. 11b and col. 26, ln. 57- col. 27, ln. 17) as specified in claims 1 and 10; further including a television tuner (fig. 11b, el. 40 includes a TV tuner) as specified in claim 2; further comprising a microprocessor; further including a keyboard for controlling the microprocessor (device 40 is considered as a combination of microprocessor and keyboard) as specified in claims 4 and 5; further including video generating apparatus; the video generating apparatus is a video camera; the video generating apparatus is at least partially in the housing (fig. 12a, el. 1150) as specified in claims 7-9; the display covering about one-third of the planar surface or one-half (fig. 11b, el. 20) as specified in claims 11-12.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan.

As applied to claim 1 above, it is noted that Fan does not particularly disclose that a display cover for selective covering and uncovering of the display as specified in claims 15-16. Since display device is in the kitchen area and therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to prove covering the television display as a means to protect it.

5. Claims 3, 6, 13-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan, in view of Heo (US 4,628,351) cited by the applicants.

As applied to claims 1, 10 and 16 above, it is noted that Fan does not particularly disclose that:

a. the television tuner is within the housing; the microprocessor is within the housing; the appliance controls are part of the housing and the appliance apparatus are in the housing as specified in claims 3, 6 and 17; and

b. the door and the planar surface of the appliance housing are not on the same side of the appliance housing; or the kitchen appliance is a refrigerator, and the planar surface is on the side of the refrigerator as specified in claims 13-14.

With regard to **a**: Heo teaches another lay out wherein the television tuner is within the housing; the appliance controls are part of the housing and the appliance apparatus are in the housing. Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to include the television tuner, the microprocessor, appliance controls and the appliance apparatus in the housing as taught by Heo in case the remote control becomes too costly or the remote control is not desirable.

With regard to **b**: Fan, al though does not mention home appliance as microwave or refrigerator, however, microwave and refrigerator are part of any home appliance and since refrigerator has more bigger outside planar front and side surfaces and therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to place display device of Fan on the front or side surface of the refrigerator to obtain bigger display surface.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Harrison et al (US 6,490,726) discloses an appliances with the internet access.

b. Harrison et al (US 2002/0080273 discloses an appliance with TV and internet modes of operation.

c. Pens (US 4,224,615) discloses a method of using crystal display device as a data input device.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648.

The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are 703 87209314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-2600.

ND
December 13, 2002


NHON DIEP
PRIMARY EXAMINER